

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
                  V.                                )     M.B.D. No. 05-mc-10339-NMG  
  )  
MICHAEL GOLDSTEIN                            )

ASSENTED-TO MOTION TO EXCLUDE TIME

On August 8, 2005, U.S. Magistrate Judge Dein issued a criminal complaint in the matter of United States v. Michael Goldstein, Cr. No. 05-MJ-01091-JGD, which charges the defendant with violation of 18 U.S.C. §2423(b). Because the parties subsequently began discussions regarding resolution of the case by agreement rather than by indictment, the government moved with the defendant's assent to continue the probable cause hearing from September 26 to October 17, 2005, and the court allowed the motion on September 26, 2005, instructing the parties to file this motion to have the time excluded for purposes of the Speedy Trial Act. Accordingly, the government moves, with the defendant's assent, that this Court find, under 18 U.S.C. §3161(h)(8)(A), and §5(c)(1)(A) of the Plan for Prompt Disposition of Criminal Cases of this Court, that the ends of justice served by the continuance granted by Judge Dein outweigh the best interests of the public and the defendant in a speedy trial, and exclude the period from September 26, 2005 to October 17, 2005 for purposes of computing the time within which an information or an indictment must be filed under 18 U.S.C. §3161(b).

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/Donald L. Cabell  
DONALD L. CABELL  
Assistant U.S. Attorney  
(617) 748-3105